



Department of
Health and Human Services

The Regulation of Outdoor Wood-Fired Hydronic Heaters

Frequently Asked Questions

New Hampshire RSA 125-R, *Outdoor Wood-Fired Hydronic Heaters*, became effective on August 10, 2008. This law establishes requirements for the sale, installation, and use of outdoor wood-fired hydronic heaters (also known as outdoor wood boilers or OWBs) in New Hampshire. The following are answers to frequently asked questions regarding enforcement of RSA 125-R, emission standards, setbacks, and compliance dates.

Q: What is meant by a Phase I and Phase II unit?

A: In 2007, The United States Environmental Protection Agency (EPA) rolled out a voluntary program to encourage manufactures to design OWB's to meet certain emission standards and have their units qualified as either a Phase I or Phase II units. A Phase I unit is one that meets an emission limit of 0.60 pounds of particulate matter per million British thermal units (MBtu's) of heat input. A Phase II unit is one that meets an emission limit of 0.32 pounds of particulate matter per MBtu's of heat output. These emission limits are referenced in RSA 125-R. RSA establishes that OWB's sold in the New Hampshire between January 1, 2009 and April 1, 2010 must meet the Phase I emission limit, and that all units sold after April 1, 2010 must meet the Phase II emission limit.

In February 2015, EPA established into law New Source Performance Standards (NSPS) for OWB emissions. Starting December 31, 2015, EPA's NSPS requires all OWB's sold in the United States to meet the Phase II emission limits of 0.32 pounds of particulate matter per MBtu's of heat output, and starting circa 2020 all units sold in the United States must meet an emission limit of 0.10 pounds of particulate matter per MBtu's of heat output.

Q: Does an existing OWB, installed prior to August 10, 2008, need to comply with any or all of the requirements of the law? For example, does an existing OWB need to be a certain distance from a property line?

A: No. An OWB installed before August 10, 2008 is not subject to the setbacks, stack height, or emission limits established in RSA 125-R. However, the OWB is subject to the public health nuisance provisions of the law as described below and only clean wood or wood pellets made from clean wood can be burned in these devices.

Q: What if an old unit that is installed after August 10, 2008 is creating a nuisance? Would the law address this and are there other provisions that would apply?

A: Any OWB, old or new, is subject to the provisions nuisance provisions of RSA 125-R. If smoke from the OWB is bothering an abutter, the municipal health officer or the NH Department

of Health and Human Services (DHHS), can determine if the OWB is operating in a manner which causes a nuisance or is injurious to public health. The NH Department of Environmental Services (DES) will provide technical assistance to municipal health officers and to the DHHS regarding compliance with the installation and operation of the OWB as nuisance situations arise.

Q: What if an old unit, meaning a unit that is not a Phase I or Phase II unit, is installed after January 1, 2009. How would this be addressed?

A: An OWB that does not meet the emission standards established in RSA 125-R can be installed only if it was purchased before the established Phase I or II compliance dates. Since it is a violation to sell an OWB that does not meet the appropriate emission standard, the seller is subject to a fine or a compliance order. In addition, the owner can be responsible for compliance with meeting proper setback and stack height requirements of a non-Phase I or II unit. In this case, DES can require compliance to include relocation of the unit to meet setbacks, modification to meet stack height requirements, or cease operation of the unit.

Q: Are outdoor coal-fired boilers subject to the law?

A: A coal-fired hydronic heater that heats building space through the distribution of fluid heated in the device, and is specified for outdoor installation by the manufacturer, is subject to RSA 125-R since coal is a solid fuel. If the unit is installed after August 10, 2008, it would have to meet either the Phase I or II emission limits, based on its date of sale, and the manufacturer and DES would have to then adopt rules to authorize coal as an approved fuel.

Q: Who do I contact about questions on the sale, installation, and use of OWBs in New Hampshire?

A: Additional questions on the sale, installation, and use of OWBs in New Hampshire, should be directed to the Department of Environmental Services at (603) 271-1370.

Q: Who do I contact about questions about public health nuisances?

A: Additional questions about public health nuisances and this law should be directed to your local municipal health officer or the Department of Health & Human Services at (603) 271-4397.

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